

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 77-133 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 September 1977.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of October, 1977, that petition No. 77-133 the petition of WALLACE R. PLAPINGER, ET AL, BY WILLIAM R. BOOSE, III, ATTORNEY for the REZONING, FROM RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY) TO CG-GENERAL COMMERCIAL DISTRICT of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, LESS the North 40 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, page 205, and LESS the West 20 feet thereof for Westgate Avenue Outfall as recorded in Road Plat Book 4, Page 52, AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER on the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East; subject to the right-of-way of Okeechoe Road, Military Trail and Westgate Avenue, LESS the South 175 feet of the North 220 feet of the East 175 feet of the West 228 feet of said Northwest 1/4 of the Northeast 1/4, AND LESS the following described parcel: commencing at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of said section 25; thence South 1°53'54"W., along the West Line of the Northwest 1/4 of the Northeast 1/4 of

said Section 25, a distance of 195.03 feet to a point on a line lying 195.00 feet South of, when measured at right angles, and parallel with the North Line of the Northwest 1/4 of the North east 1/4 of said Section 25; thence South 88°57'24" East, along the said parallel line, a distance of 53.01 feet to a point on a line lying 53.00 feet East of, when measured at right angles, and parallel with the West Line of the Northwest 1/4 of the Northeast 1/4 of said Section 25 and the Point of Beginning of the parcel to be herein described; thence South 01°53'54" West, along the said parallel line, a distance of 384.89 feet to a point; thence North 04°25'06" East, a distance of 250.24 feet to a point on a line lying 64.00 feet East of, when measured at right angles, and parallel with the West Line of the Northwest 1/4 of the Northeast 1/4 of said Section 25; thence North 01°53'54" East, along the said parallel line, a distance of 135.05 feet to a point on a line lying 195.00 feet South of, when measured at right angles, and parallel with the North Line of the Northwest 1/4 of the Northeast 1/4 of said Section 25; thence North 88°57'24" West, along the said parallel line, a distance of 11.00 feet to the Point of Beginning of the herein described parcel and the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 25, LESS the North 40 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, Page 205 and LESS the West 20 feet thereof for Westgate Avenue Outfall as recorded in Road Plat Book 4, Page 52. Said property located on the north and south sides of Westgate Avenue, being bounded on the west by Military Trail and on the North by Okeechobee Boulevard, was approved as advertised subject to the following special conditions:

1. Developer shall provide surface parking required by Code for the total floor area or shall construct a parking deck providing spaces for employees.
2. Landscape exhibits containing specimen designs and elevations labeled "A" through "F" shall be made a part of the Master Site Plan and all improvements shown thereon shall be installed by the Developer.

3. Developer shall install landscape berms, plantings and sprinkler systems pursuant to the Palm Beach County Landscape Code.
4. Developer shall redesign the existing landscape perimeters, parking medians and islands for the parking lot in conformity with the Palm Beach County Landscape and Zoning Codes.
5. Developer shall provide a bond to guarantee the installation of all landscape areas in accordance with approved plans and specifications.
6. Developer shall keep all loading areas and berths in a clean, maintained and screened manner.
7. Developer shall install seventy five (75) percent opaque landscaped screening behind the building containing: Winn-Dixie, Taco Viva, etc.
8. Developer shall provide a six (6) foot high wood fence, with a landscape hedge adjacent to the inside of the fence along the east property line.
9. Developer shall preserve the existing tree coverage along the east property line.
10. Developer shall redesign and/or replace all signs to meet the Palm Beach County Sign Code and provide for a uniform graphics program.
11. All painted wall signs shall be removed.
12. Developer shall modify the Master Site Plan to re-channel the ingress and egress from and to Okeechobee Boulevard via the Northwest entrance by the installation of landscape barriers.
13. The use of the southerly 3.2 acres of the parcel located on the south side of Westgate Avenue shall be limited to retention and detention for water management and master drainage purposes.
14. Developer shall execute a Unity of Title covering the following:
  - a.) Entire parcel located on the north side of Westgate Avenue, and,
  - b.) The Southerly four hundred twenty-five (425) feet of the parcel located on the south side of Westgate Avenue (3.09 acres), and,
  - c.) The twenty (20) foot recorded access easement running south from Westgate Avenue to the Southerly 425 feet of the parcel lying south of Westgate Avenue (0.10 acre).

The legal description for items b. and c. are set forth as Parcels A E B respectively on a sketch prepared by Mock, Roos & Searcy, Inc.; Drawing No. B-969, dated September, 1977 which shall be added as an Exhibit to the approved Master Site Plan.

15. Developer shall post a bond to insure proper aquatic weed control in all drainage and water management areas.

16. Developer shall comply with the following conditions:

- a.) Bring the existing building **up** to Fire Code standards prior to issuance of a Certificate of Occupancy for the structure
- b.) Remove the overhead roller doors in the existing building's rear exit access and replace with swinging or side roller doors to comply with N.F.P.A. Fire Codes for this type of occupancy,
- c.) Enclose the interior stairs of existing building in the rear exit access to comply with Fire Codes,
- d.) The ceiling in the rear exit access of the existing building shall be enclosed to comply with Fire Codes,
- e.) Properly rated fire doors shall be placed in the fire wall separating the general sales area from the stock area of the existing building,
- f.) The fire hose connection throughout the existing building shall be repiped to meet Fire Code specifications,
- g.) The sprinkler system inspection drains shall be repiped to discharge the water from these drains to the outside of the building, **per** Code.

17. Developer shall restripe and resign the south approach to the intersection of Military Trail and Okeechobee Boulevard to provide for a dual left turn lane.

18. Developer shall construct a continuous right turn lane along Okeechobee Boulevard from Military Trail easterly to the east entrance road.

19. Developer shall construct a third lane on Westgate Avenue from Military Trail to the development's east property line.

20. Developer shall lengthen the existing left turn lane on Military Trail at the development's entrance at such time as the actual demand requires it at the determination of the County Engineer.

21. Developer shall lengthen the existing right turn lane at the east approach on Okeechobee Boulevard from Zip Code Place to Military Trail.

22. Developer shall lengthen the existing left turn lane east approach on Okeechobee Boulevard and the development's east entrance to a total storage length of two hundred forty (240) feet.

23. Developer shall lengthen the existing left turn lane east approach on Okeechobee Boulevard and the development's west entrance to a total storage length of two hundred forty (240) feet.

24. Developer shall lengthen the existing left turn lane north approach on Military Trail and Westgate Avenue to a total storage length of two hundred (200) feet.

25. Developer shall upgrade the existing two phase signal at the intersection of Westgate Avenue and Military Trail, when warranted, as determined by the County Engineer.

26. Developer shall signalize the intersection at Okeechobee Boulevard and the east entrance, when needed, as determined by the County Engineer.

27. Developer shall provide a chain link fence along the east and south property lines of the property lying south of Westgate Avenue.

28. Developer shall construct, on the south side of Westgate Avenue, an additional lane for Westgate Avenue along the frontage of the school property.

29. Developer shall construct a bicycle path or sidewalk on the north side of Westgate Avenue, and striping for a cross walk to the school.

30. Developer shall provide an umbrella liability and property damage insurance policy to include Mr. and Mrs. Jacob Solomon, abutting 4.2 acre parcel, adjacent to the 3.2 acre drainage area.

Commissioner Bailey, moved for approval of the petition.

The motion was seconded by Commissioner Koehler, and upon being put to a vote, the vote was as follows:

Lake Lytal, Chairman	-	Yes
Peggy Evatt, V. Chairman	-	Yes
William Medlen	-	Absent
Dennis Koehler	-	Yes
Bill Bailey	-	Yes

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1977, confirming action of 29 September 1977.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Alton*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*Will Dill*  
County Attorney

